

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Omar Shariffe White)

Date of Previous Judgment: 4/25/01)

(Use Date of Last Amended Judgment if Applicable))

Case No: 5:98CR124-3

USM No: 21628-050

Eugene James Chandler II

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ **Other (explain):** The defendant was sentenced to 240 months confinement which was the low end of the original guideline range. On 4/25/01, the sentence was reduced, pursuant to Rule 35, to 180 months confinement which was 75% of the low end of the original guideline range. The defendant is eligible for a two-level reduction in offense level pursuant to Amendment 706. However, since there is a 240-month mandatory minimum sentence in this case, the guideline range for imprisonment does not change, and the defendant is not eligible for a sentence reduction.

III. ADDITIONAL COMMENTS

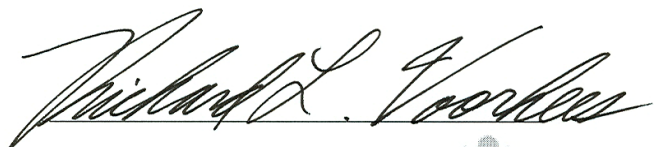
Except as provided above, all provisions of the judgment dated

4/27/99 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 17, 2009

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

